

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Marc A. Zeppetello, SBN 121185 San Francisco Bay Conservation and Development Commission (BCDC) 455 Golden Gate Avenue, Suite 10600, San Francisco, CA 94102 TELEPHONE NO.: 415-352-3655 FAX NO.: 415-352-3606 E-MAIL ADDRESS: marc.zeppetello@bcdcc.ca.gov ATTORNEY FOR (Name): San Francisco Bay Conservation and Development Commission	FOR COURT USE ONLY  Executive Director San Francisco Bay Conservation and Development Commission
STREET ADDRESS: San Francisco Bay Conservation and Development Commission MAILING ADDRESS: 455 Golden Gate Avenue, Suite 10600 CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Enforcement Investigation	Gov't Code 11181(e) 14 C.C.R. § 11320
In Re: Mark Sanders and Westpoint Harbor, LLC	
<b>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</b>	CASE NUMBER: BCDC Enforcement Investigation No. ER2010.013

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

Custodian of Records, Westpoint Harbor, LLC, 1529 Seaport Blvd., Redwood City, CA 94063

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer):

On (date): August 28, 2017

At (time): 9:30 am

Location (address): 1529 Seaport Blvd., Redwood City, CA 94063

**Do not release the requested records to the deposition officer prior to the date and time stated above.**

- ☐ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
  - ☐ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
  - ☒ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

See Attachment 3

☒ Continued on Attachment 3.

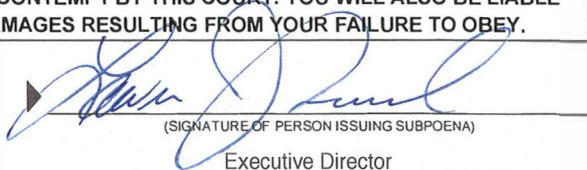
4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: July 26, 2017

Lawrence J. Goldzband

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)  
 Executive Director

(TITLE)

(Proof of service on reverse)

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In Re: Mark Sanders and Wespoint Harbor, LLC

CASE NUMBER:

BCDC Enforcement Investigation  
No. ER2010.013**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR  
PRODUCTION OF BUSINESS RECORDS**

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. (1) ☐ Witness fees were paid.

Amount: ..... \$ \_\_\_\_\_

(2) ☐ Copying fees were paid.

Amount: ..... \$ \_\_\_\_\_

f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (*date*):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff or marshal.

c. ☐ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Business and Professions Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:

I **declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff or marshal use only)  
I **certify** that the foregoing is true and correct.

Date:



(SIGNATURE)

## SHORT TITLE:

In Re: Mark Sanders and Westpoint Harbor, LLC

## CASE NUMBER:

BCDC Enforcement Investigation  
No. ER2010.013ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

ATTACHMENT TO DEPOSITION SUBPOENA FOR THE PRODUCTION OF BUSINESS RECORDS  
ISSUED TO CUSTODIAN OF RECORDS FOR WESTPOINT HARBOR, LLC.

## RECORDS TO BE PRODUCED:

1. All year-end financial statements (including, but not limited to balance sheets, statements of financial position, statements or reports of the company's assets, liabilities, and owner's equity) prepared by or on behalf of Westpoint Harbor, LLC for the calendar year 2015, or for every federal income tax reporting period used by the company that includes any month in the year 2015.
2. All year-end financial statements (including, but not limited to balance sheets, statements of financial position, statements or reports of the company's assets, liabilities, and owner's equity) prepared by or on behalf of Westpoint Harbor, LLC for the calendar year 2016, or for every federal income tax reporting period used by the company that includes any month in the year 2016.
3. The Federal tax returns, including all schedules, for Westpoint Harbor, LLC for the calendar year 2015, or for every federal income tax reporting period used by the company that included any month in the year 2015.
4. The Federal tax returns, including all schedules, for Westpoint Harbor, LLC for the calendar year 2016, or for every federal income tax reporting period used by the company that included any month in the year 2016.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)